

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Gram Panchayats – Revision Petition filed by Sri Nagulapalli Rajender , Sarpanch (Removed) Reddypet Gram Panhayat, Machareddy Mandal , Nizamabad District against Proceedings of Collector (PW) Nizamabad District – Allowed – Orders- Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O.Rt.No. 231

Dated:11 -2-2009

Read the following:-

- 1.From the District Collector(PW) Nizamabad District, Proceedings No.666/2007-B5(Pts) dt.12.9.2008.
- 2.From Sri Nagulapalli Rajender , Sarpanch (Removed) Reddypet Gram Panhayat, Machareddy Mandal , Nizamabad District Revision Petition dt. 13.10.2008.
- 3.Govt.Memo.No.25455/Pts.II/A1/08-1, dt.10.11.2008.
- 4.From the Collector (PW) Nizamabad District Lr.No.666/2007-B5 (Pts) dt.26.11.2008.
- 5.Govt.Telegram 25455/ Pts.II/A1/08-2, dt.3.1.2009

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ORDER.

In the reference 1st read above, the District Collector (PW) Nizamabad District has removed Sri Nagulapalli Rajender , Sarpanch, Reddypet Gram Panhayat, Machareddy Mandal , Nizamabad District for misappropriating the Gram Panchayat Funds under Section 249(1) of APPR Act.1994.

2. Aggrieved by the above said orders, in the reference 2nd read above Sri Nagulapalli Rajender , Sarpanch (Removed) has filed Revision Petition before the Government on the following grounds and requested to set aside the orders passed by the Collector (PW) Nizamabad District:-

- 1.The Collector (PW), Nizamabad District passed the impugned proceedings without reasonable opportunity to put forth his case and also issued two Show Cause Notices within a span of one month, which is not contemplated under the provisions of A.P.P.R. Act 1994.
- 2 It is clear that the proceedings are passed in gross violation of the principles of natural justice.
3. The petitioner advised to submit that Sub Section(1) of Section 249 cast a duty on the District Collector to supply copy of the enquiry report to the Sarpanch.

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4.The petitioner filed W.P.No. 21507/2008 before the High Court of A.P. The High Court directed the Petitioner to file a revision before Hon'ble Authority to suspend the impugned proceedings dated 12.9.2008 passed by the Collector(PW) herein for a period of within 6 weeks .

3. The petitioner has withdrawn the amounts from the Gram Panchayat funds from 11.1.2007 onwards to a tune of Rs.62,229-00 and he has also not remitted the collected amount in the Bank into Gram Panchayat Funds, which amounts to Rs.23,594-00. The total unaccounted amount is for Rs.85,823-00 and this has been remitted into Gram Panchayat funds through Challans on the following dates:-

14.7.2008	Rs. 32,473-00
16.7.2008	Rs. 53,350-00

Total	: Rs. 85,823-00

Thus it is clear that the Sarpanch has misused the Gram Panchayat Funds and remitted after receiving Show Cause Notice under Section 249(1) of the A.P.P.R. Act, 1994 on 30.6.2008.

4. A report has been received from Project Director, D.W.M.A., Nizamabad stating that the Petitioner being Chairman of the Water Shed Committee of Reddypet Block No.I & II has drawn Rs.6,00,000-00 as follows:-

1.	Reddypet Water Shed Block I(Cheque No. 336806, dt.16.5.2008)	2,97,500-00
2.	Reddypet Water Shed Block II(Cheque No. 336825, dt.16.5.2008)	3,02,500-00
	Total:	6,00,000-00

The petitioner being Sarpanch is the Chairman for Water Shed Committee in the Village. He should draw the amounts only on completion of work and after getting recorded the measurements and check measurements thereof. The petitioner has drawn an advance on 16.5.2008 and the work was check measured on 14.7.2008 and the balance amount of Rs.30,089-00 was remitted on 25.8.2008 i.e., after receiving Show Cause Notice.

5. The case was posted for hearing on 5.1.2009 . The Petitioner appeared and while reiterating the contentions has stated that he has not misappropriated any Gram Panchayat Funds and the balance of the amounts drawn and unspent have been remitted back into Gram Panchayat funds and there is no misuse or misappropriation of Gram Panchayat Funds. He has therefore requested to set aside the orders of the District Collector (PW) Nizamabad and to reinstate him as Sarpanch.

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6. Government have gone through the records. The District Panchayat Officer, Nizamabad District who is present has also stated that the amounts drawn by the Petitioner has been remitted back into the treasury on receipt of show cause notice. The Petitioner has pleaded that due to ignorance of the provisions of Act and Rules he has drawn the amounts as an advance and spent the same for the developmental works and the unspent balance amounts have been remitted back into Government Treasury. Since the Petitioner has not indulged in any misappropriation, Government after careful consideration hereby allow the appeal and set aside the impugned order of the District Collector (PW), Nizamabad. However the Petitioner is warned to be more careful in future while drawing the amounts from Gram Panchayat Funds and avoid keeping the Gram Panchayat funds with him without spending the same and subsequently remitting the same into Government Treasury.

7. The District Collector (PW) Nizamabad District shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT

To
The District Collector (PW) Nizamabad District.
Copy to: The Commissioner,
Panchayat Raj & Rural Employment, AP, Hyderabad.
The District Panchayat Officer, Nizamabad District.
Sri Nagulapalli Rajender, Sarpanch (Removed)
Reddypet Gram Panchayat, Machareddy Mandal, Nizamabad District.
The P.S. to Minister (Panchayat Raj).
The P.S. to Secretary to Government (PR) Department.
SC/SF.

// Forwarded by Order //

SECTION OFFICER